

AMENDED IN ASSEMBLY APRIL 22, 2014

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## ASSEMBLY BILL

**No. 2162**

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**Introduced by Assembly Member Fox**

February 20, 2014

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An act to add Section 13113.11 to the Health and Safety Code, relating to fire protection.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2162, as amended, Fox. Fire protection: residential care facilities ~~for the elderly. facilities.~~

Existing law establishes the State Fire Marshal within the Department of Forestry and Fire Protection and sets forth its duties, including, but not limited to, administering provisions relating to inspection and approval of fire protection measures for health and community care facilities.

Existing law, with certain exceptions, prohibits a person, firm, or corporation from establishing, maintaining, or operating any hospital or other specified care facility for more than 6 guests or patients, and prohibits the operation of a residential care facility for the elderly housing nonambulatory persons that is licensed to care for more than 6 persons, unless it has, among other things, an automatic fire sprinkler or extinguishing system approved by the State Fire Marshal. Existing law generally places responsibility for enforcing State Fire Marshal building standards upon prescribed local agencies and provides for inspection fees. A violation of existing provisions related to fire protection requirements is a crime.

This bill would require a residential care facility for the elderly, as defined, *or an adult residential facility, as defined*, that has a valid license as of January 1, 2015, to have installed and maintained on and after January 1, 2019, an operable automatic fire sprinkler system approved by the State Fire Marshal. The bill would require a residential care facility ~~for the elderly, as defined~~, for which a license is newly issued on or after January 1, 2018, to have an approved, operable automatic fire sprinkler system. *The bill would require the licensee of a facility to pay all costs associated with compliance with these provisions. The bill would limit specified inspection fees related to the sprinkler systems.* The bill would require, by January 1, 2017, the State Fire Marshal to adopt regulations to implement the above provisions. By changing the definition of a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. This act shall be known as the Residential Care
- 2 Facility Fire Safety Act of 2014.
- 3 SEC. 2. Section 13113.11 is added to the Health and Safety
- 4 Code, immediately following Section 13113.09, to read:
- 5 13113.11. (a) As used in this section, “residential care facility
- 6 ~~for the elderly~~” facility” means a residential care facility for the
- 7 elderly, as defined in Section 1569.2, *or an adult residential*
- 8 *facility, as defined in paragraph (5) of subdivision (a) of Section*
- 9 *80001 of Title 22 of the California Code of Regulations*, that is
- 10 licensed to care for not more than six residents.
- 11 (b) Every residential care facility ~~for the elderly~~ that has a valid
- 12 license as of January 1, 2015, shall have installed and maintained
- 13 on and after January 1, 2019, an operable automatic fire sprinkler
- 14 system approved by the State Fire Marshal that meets the nationally
- 15 recognized standard, pursuant to “National Fire Protection
- 16 Association 13D: Standard for the Installation of Sprinkler Systems

1 in ~~One~~ *One-* and Two-Family Dwellings and Manufactured  
2 Homes,” as approved by the State Fire Marshal and adopted as a  
3 building standard by the California Building Standards  
4 Commission. The State Fire Marshal shall establish and approve,  
5 by December 31, 2015, the design criteria for automatic fire  
6 sprinkler systems to be installed in existing residential care  
7 facilities ~~for the elderly~~, which shall be consistent with the  
8 requirements pursuant to the California Building Standards Code  
9 (Section R-313 of Title 24 of Part 2.5 of the California Code of  
10 Regulations). The State Fire Marshal, working in conjunction with  
11 the Department of Housing and Community Development, shall  
12 establish and approve by December 31, 2015, the design criteria  
13 for automatic fire sprinkler systems to be installed in existing  
14 residential care facilities ~~for the elderly~~ that use a manufactured  
15 home as the facility, which shall be consistent with the  
16 requirements pursuant to Article 2.5 (commencing with Section  
17 4300) of Subchapter ~~(2)~~ 2 of Chapter ~~(3)~~ 3 of Division ~~(1)~~ 1 of  
18 Title 25 of the California Code of Regulations. Notwithstanding  
19 Section 13143.5, a local jurisdiction shall not require a sprinkler  
20 system that exceeds this standard by amending the standard or  
21 applying standards other than the standard approved by the State  
22 Fire Marshal.

23 (c) Every residential care facility ~~for the elderly~~ for which a  
24 license is newly issued after January 1, 2018, shall have installed  
25 and maintained an operable automatic fire sprinkler system  
26 approved by the State Fire Marshal that meets the nationally  
27 recognized standard, pursuant to “National Fire Protection  
28 Association 13D: Standard for the Installation of Sprinkler Systems  
29 in ~~One~~ *One-* and Two-Family Dwellings and Manufactured  
30 Homes,” approved by the State Fire Marshal and adopted as a  
31 building standard by the California Building Standards  
32 Commission. The State Fire Marshal shall establish and approve  
33 by December 1, 2015, the design criteria for automatic fire  
34 sprinkler systems to be installed in new residential care facilities  
35 ~~for the elderly~~, which shall be consistent with the requirements  
36 pursuant to the California Building Standards Code (Section R-313  
37 of Title 24 of Part 2.5 of the California Code of Regulations). The  
38 State Fire Marshal, working in conjunction with the Department  
39 of Housing and Community Development, shall establish and  
40 approve by December 31, 2015, the design criteria for automatic

1 fire sprinkler systems to be installed in new residential care  
2 facilities ~~for the elderly~~ that use a manufactured home as the  
3 facility, which shall be consistent with the requirements pursuant  
4 to Article 2.5 (commencing with Section 4300) of Subchapter (2)  
5 2 of Chapter 3 of Division 1 of Title 25 of the California Code of  
6 Regulations. Notwithstanding Section 13143.5, a local jurisdiction  
7 shall not require a sprinkler system that exceeds this standard by  
8 amending the standard or applying standards other than the  
9 standards approved by the State Fire Marshal.

10 ~~(d) For purposes of complying with subdivisions (b) and (c), a~~  
11 *(d) For purposes of complying with subdivisions (b) and (c),*  
12 *the following shall apply:*

13 *(1) A property owner or the property owner's agent shall*  
14 *determine all phases of construction, including selection of a*  
15 *contractor, improvements, and design.*

16 *(2) At least one year prior to complying with this section, the*  
17 *licensee of the residential care facility shall pay the property owner*  
18 *or the property owner's agent all costs associated with compliance*  
19 *with this section.*

20 *(e) By January 1, 2017, the State Fire Marshal shall adopt*  
21 *regulations to implement this section. These regulations shall*  
22 *address those fire safety features no longer required of a licensee*  
23 *after an operable automatic fire sprinkler system is installed and*  
24 *maintained. The State Fire Marshal shall ensure that any regulation*  
25 *developed pursuant to this section, including any future changes*  
26 *to this section or to the standard required by this section, will be*  
27 *reflected accurately within the California Code of Regulations.*

28 *(f) The fee imposed by a local fire marshal or building*  
29 *department for plan review or installation inspections of a fire*  
30 *sprinkler system required by this section shall not exceed the actual*  
31 *cost of the plan review or installation inspection for each existing*  
32 *facility undergoing a plan review or inspection, including if the*  
33 *fire sprinkler system is the sole renovation.*

34 *(g) Local government units are encouraged to work together to*  
35 *minimize the number of preinstallation and postinstallation*  
36 *inspections and minimize fees imposed on a residential care facility*  
37 *pursuant to this section.*

38 SEC. 3. No reimbursement is required by this act pursuant to  
39 Section 6 of Article XIII B of the California Constitution because  
40 the only costs that may be incurred by a local agency or school

1 district will be incurred because this act creates a new crime or  
2 infraction, eliminates a crime or infraction, or changes the penalty  
3 for a crime or infraction, within the meaning of Section 17556 of  
4 the Government Code, or changes the definition of a crime within  
5 the meaning of Section 6 of Article XIII B of the California  
6 Constitution.

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